

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor Patent Application of:

Mark Plaia, et al.

Serial No.: 09/938,882

Filed: August 24, 2001

For: ANTI-STENOTIC METHOD AND  
PRODUCT FOR OCCLUDED AND  
PARTIALLY OCCLUDED ARTERIES

) Docket: 5770.CD2C.2

) Art Unit: 3738

) Examiner: Hieu Phan

ELECTION

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction and Species requirements contained in the Office Action mailed September 8, 2003, the applicant elects the claims of Group II, i.e. claims 116-135, with traverse.

Since the requirement for a species election relates to claims now non-elected, no species election is required. Accordingly no species designation of claims is required.

The ground for traversal is simply that the examiner has completely failed to meet his or her burden of proof to make out a prime facie case that the claims of the two groups specified on page 2 of the Office Action are patentably distinct one from the other. Likewise, in respect the species requirement, which is moot, the examiner failed to make a showing that the two identified species are, in fact "patentably distinct."

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 23 September 2003.

Lynn G. Foster

3738  
16-2  
#6  
RECEIVED

SEP 30 2003

TECHNOLOGY CENTER R3700

Respectfully Submitted,



Lynn G. Foster

Attorney for Applicant

602 East 300 South  
Salt Lake City, UT 84102  
(801) 364-5633